



**Agenda Item Number: 2006-8-6B**

## **BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS**

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**Meeting Date:** August 9, 2006

**Department:** County Manager **Staff Contact:** John P. Dantis, Deputy County Manager for Public Safety  
Ronald C. Torres, Chief of Corrections

**TITLE:** Care and Housing of MDC Inmates

**ACTION:** Motion to approve expenditure in excess of \$100,000 for the care and housing of MDC inmates at the Regional Correctional Center.

### **SUMMARY:**

On July 14, 2006, the County of Bernalillo entered into a Services Agreement with Cornell for the care and housing of MDC inmates at the Regional Correctional Center. The Services Agreement was entered into pursuant Section 13-1-127 NMSA as an emergency procurement. Prior to engaging in the emergency procurement, the County attempted to locate bed space in other county jails but was advised that no bed space is available in any adjoining county or any county within a reasonable distance for purposes of transportation. Based on the unavailability of bed space in any county jail and the inability to obtain any other form of relief to reduce population the emergency procurement was conducted to provide immediate relief of the overcrowded inmate population. In the past month, the average daily population count has been 2424. This reflects a daily inmate population of 120% of design capacity. The increase in population creates a serious strain on the systems ability to service the inmate population in addition to issues of compromising officer and inmate safety.

The population trend when accompanied with staffing levels continues to create emergency situations at the MDC. AR15-2005 provides the County Manager with the authority to execute contracts in an amount up to \$100,000. The Services Agreement with Cornell will exceed \$100,000 if population trends continue over the next 60 days. Accordingly, staff is requesting Board approval of the Services Agreement for expenditures in excess of \$100,000. The County negotiated a rate of \$50 a day per inmate which is below the average rate charged by other counties when bed space is available.

### **ATTACHMENT:**

1. Services Agreement with Cornell

### **FISCAL IMPACT**

If the current population were to continue, the budget could be exceeded by \$1,090,080.

# **STAFF ANALYSIS SUMMARY**

## **COUNTY MANAGER**

This request from staff is an effort to ensure officer and inmate safety and allow time for Bernalillo County to pursue effective population management strategies. I recommend approval of this issue. TL 7/26/06

## **DEPUTY COUNTY MANAGER FOR PUBLIC SAFETY**

As of July 30, 2006 Bernalillo County will have been in the jail business for one month. Clearly, officer and inmate safety are of paramount concern to all. Bernalillo County has and will continue to work on all fronts in support of criminal justice systems efficiencies, and best business practices relative to population management. I recommend approval of this item. J. Dantis 7/26/06

## **LEGAL**

The Services Agreement provides adequate protection for the County in terms of insurance and assignment of liability, defense and indemnification. The initial procurement fit the requirements for an emergency procurement as provided for in the Procurement Code. The emergency situation does not appear to have resolved itself and thus an emergency procurement approach is consistent with applicable law. JSL 7/31/06

## **FINANCE**

<b>Budget</b>	The operational bed capacity at MDC is 2048 inmates. Assuming that the population remains at approximately 5% above the allowable 115% capacity additional funding would be required. However, by increasing efficiencies and best business practices at MDC the population and the corresponding increase in funding could potentially be reduced. Currently, an available balance of \$620,000 exists in line item BC87-567900-M1AD. If additional funding is required a request will go before the Bernalillo County Commission at a later date. Nona Lane, Financial Services Administrator III 7/28/06
<b>Purchasing</b>	Proper procedures were followed for the issuance of the emergency procurement described in the summary of the agenda item. Purchasing concurs and recommends approval of the proposed motion. Dinah Esquivel, Purchasing Administrator 7/28/2006
<b>Contracts</b>	Contract Control Number 2006-0245 has been issued for the agreement with Cornell for the housing of MDC inmates. Dinah Esquivel, Purchasing Administrator. 7/27/2006